

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MARILYN WILLIAMS-GOODE, et al.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:24-cv-539-HEA
	)	
STATE OF MISSOURI,	)	
	)	
Defendant.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff Marilyn Williams-Goode’s Application to Proceed in District Court Without Prepaying Fees or Costs. (ECF No. 2). Having reviewed the Application, the Court finds that Plaintiff is unable to pay the costs of this action. The Court will therefore grant the Application and waive the filing fee. Additionally, for the reasons discussed below, the Court will require Plaintiff to show cause why the Court should not dismiss this action for lack of subject matter jurisdiction.

**Order to Show Cause**

Subject matter jurisdiction refers to a court’s power to decide a certain class of cases. *LeMay v. U.S. Postal Serv.*, 450 F.3d 797, 799 (8th Cir. 2006). “Federal courts are not courts of general jurisdiction; they have only the power that is authorized by Article III of the Constitution and the statutes enacted by Congress pursuant thereto.” *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986); *see also Gunn v. Minton*, 568 U.S. 251, 256 (2013) (“Federal courts are courts of limited jurisdiction, possessing only that power authorized by Constitution and statute.”). The presence of subject matter jurisdiction is a threshold requirement that must be assured in every federal case. *Kronholm v. Fed. Deposit Ins. Corp.*, 915 F.2d 1171, 1174 (8th Cir. 1990); *see also*

*Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987) (“The threshold requirement in every federal case is jurisdiction and we have admonished the district court to be attentive to a satisfaction of jurisdictional requirements in all cases.”). Thus, the issue of subject matter jurisdiction may be raised at any time, by any party, or by the Court itself. *Gray v. City of Valley Park, Mo.*, 567 F.3d 976, 982 (8th Cir. 2009).

Federal courts have subject matter jurisdiction over both federal question cases and diversity-of-citizenship cases. *See Auto-Owners Ins. Co. v. Tribal Ct. of Spirit Lake Indian Rsrv.*, 495 F.3d 1017, 1020 (8th Cir. 2007) (finding subject matter jurisdiction is lacking if neither diversity of citizenship nor federal question jurisdiction applies); *McLaurin v. Prater*, 30 F.3d 982, 984-85 (8th Cir. 1994) (noting Congress has instructed that district courts shall have jurisdiction in both federal question and diversity cases). Federal question jurisdiction gives district courts “original jurisdiction over civil actions arising under the Constitution, laws, or treaties of the United States.” *Griffioen v. Cedar Rapids & Iowa City Ry. Co.*, 785 F.3d 1182, 1188 (8th Cir. 2015); *see also* 28 U.S.C. § 1331. Whether a claim arises under federal law is determined by reference to the “well-pleaded complaint.” *Great Lakes Gas Transmission Ltd. P’ship v. Essar Steel Minn. LLC*, 843 F.3d 325, 329 (8th Cir. 2016). The well-pleaded-complaint rule provides that jurisdiction exists only when a federal question is presented on the face of a plaintiff’s properly pleaded complaint. *Markham v. Wertin*, 861 F.3d 748, 754 (8th Cir. 2017); *see also Thomas v. United Steelworkers Loc. 1938*, 743 F.3d 1134, 1139 (8th Cir. 2014) (“Under the well-pleaded complaint rule, a federal question must exist on the face of the plaintiff’s properly pleaded complaint in order to establish federal question subject matter jurisdiction.”). A plaintiff’s complaint must establish “either that federal law creates the cause of action or that the plaintiff’s

right to relief necessarily depends on the resolution of a substantial question of federal law.” *Williams v. Ragnone*, 147 F.3d 700, 702 (8th Cir. 1998).

Here, Plaintiff sues the State of Missouri for alleged civil rights violations.<sup>1</sup> She appears to assert federal question jurisdiction on that basis. In the absence of a waiver, however, the Eleventh Amendment bars suit against the State or state officials acting in their official capacities. *Morstad v. Dep’t of Corr. & Rehab.*, 147 F.3d 741, 744 (8th Cir. 1998). “Sovereign immunity is jurisdictional in nature.” *FDIC v. Meyer*, 510 U.S. 471, 475 (1994). The existence of consent is a prerequisite for jurisdiction. *United States v. Mitchell*, 463 U.S. 206, 212 (1983). Put another way, the Court lacks subject matter jurisdiction over this matter unless the State of Missouri has waived its sovereign immunity. For that reason, the Court will require Plaintiff to show cause in writing why the Court should not dismiss this action for lack of subject matter jurisdiction.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2) is **GRANTED**.

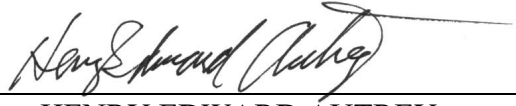
**IT IS FURTHER ORDERED** that **within thirty (30) days** of the date of this Order, Plaintiff shall show cause in writing why the Court should not dismiss this action for lack of subject matter jurisdiction.

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<sup>1</sup> Plaintiff also appears to assert claims on behalf of her children. The Court notes that non-attorney parents cannot litigate pro se on behalf of their minor children. *Crozier for A.C. v. Westside Cmty. Sch. Dist.*, 973 F.3d 882, 887 (8th Cir. 2020).

Failure to comply with this Order will result in the dismissal of this action without prejudice and without further notice.

Dated this 30<sup>th</sup> day of September, 2024.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE